



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Michael Liu

LOCATION OF PROPOSAL: 4865 Lakehurst Lane

DESCRIPTION OF PROPOSAL: Land Use review of proposal to replace a 144 square foot non-conforming pier with a 288 square foot conforming pier and relocate an existing freestanding boatlift and freestanding PWC lift next to new conforming pier.

FILE NUMBERS: 19-110182 WG **PLANNER:** Veronica Guenther

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **7/11/2019**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.



Environmental Coordinator
Elizabeth Stead

6/27/2019

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☒ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- ☒ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- ☒ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- ☒ Attorney General ecyolyef@atg.wa.gov
- ☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	19-110182-WG
Proposal Name:	Liu Pier and Boatlift
Proposal Address and Location:	4865 Lakehurst Lane NE-20-24-5
Water Body:	Lake Washington
Shoreline Environment Designation:	Shoreline Residential
Proposal Description: Land Use review of a Shoreline Substantial Development to replace a 144 square-foot nonconforming pier with a 288 square-foot conforming pier and relocate an existing freestanding boatlift and freestanding PWC lift next to new conforming pier.	
Applicant: <input checked="" type="checkbox"/> Applicant owns property Michael Liu, 4865 Lakehurst Lane, Bellevue, WA 98006, (206) 409-0500	
Applicant Representative: Greg Ashley, Ashley Shoreline Design & Permitting, 16412 NE 10th Pl, Bellevue, Washington, 98008 greg@shoreline-permitting.com	
Application Date:	April 11, 2019
Notice of Application Date:	May 9, 2019
Notice of Decision Date:	June 27, 2019

SEPA Determination:

Determination of Non-Significance

SEPA Appeal Deadline:

July 11, 2019

Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department

By:

Veronica Guenther, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

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Attachments to this Decision

Project Plans

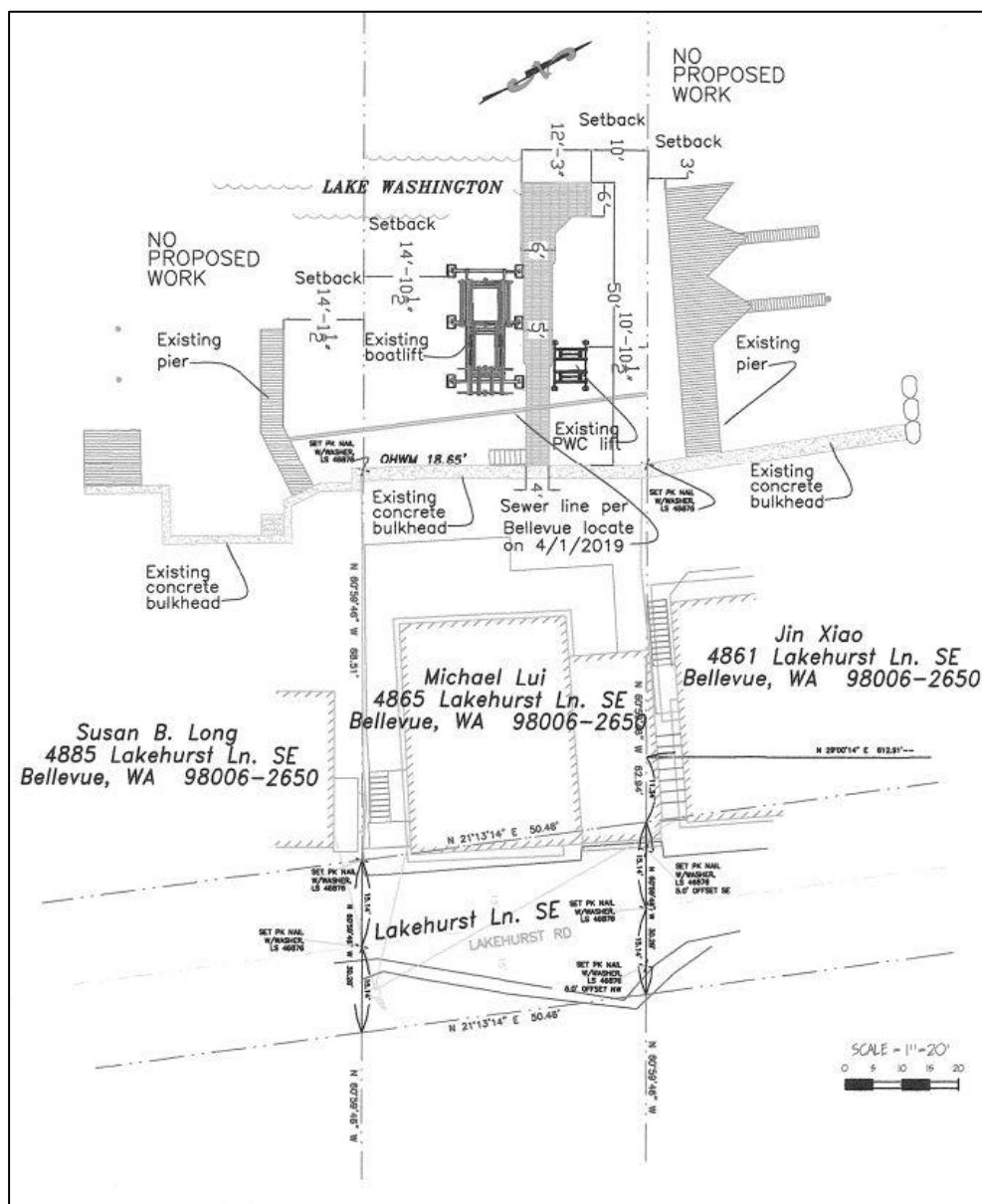
SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

I. Proposal Description

The proposal is to replace a nonconforming pier with a conforming pier on a private tract that provides residential moorage. The existing 144 square-foot pier was modified without a permit and will be replaced in order to meet minimum side setback, maximum walkway width and decking material requirements. The resulting pier will be 50 feet long as measured from the Ordinary High Water Mark of Lake Washington and will cover 288 square feet. The existing freestanding boatlift and freestanding PWC lift will be relocated to the new conforming pier. See Attachment 1 for project plans and Figure 1 below for the proposed dock.

Figure 1



II. Site Description and Shoreline Environment Designation

The site is located on Lake Washington. The dock is located on a private tract that is owned by the resident. The property has a shoreline environment designation of SR, Shoreline Residential. Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities. **See Figure 2 for existing site condition.**

Figure 2



III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

No upland structures are proposed under this permit that are subject to zoning requirements. A new deck and garage will be permitted under 19-112859 WD, 19-109555 BR and 18-116287 BR.

B. Shoreline Overlay District LUC 20.25E.065:

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable

performance standards in LUC 20.25E.065 are met.

i. Consistency with LUC 20.25E.065.H

Each application for a new or reconfigured residential dock shall comply with the requirements in LUC 20.25E.065.H.4 or as amended by approval from the US Army Corps of Engineers under Section 404 or Section 10 or by the Washington Department of Fish and Wildlife HPA as follows:

Dock Location: Lake Washington		
Development Standard	Required by LUC 20.25E.065	Proposed Standards
Number of Docks Allowed	1 per residential lot	1 proposed
Dock Side Setback	10' or as established per mutual agreement	10' proposed
Maximum Dock Length	150'	50' from OHWM
Maximum Dock Size	480 square feet	288 square feet
Maximum Walkway Width	4' within 30' of OHWM 6' beyond 30' from OHWM	Up to 5' wide within 30' of OHWM* *Walkway may exceed 4' width when water depth is 4.85 feet or more, as measured from the ordinary high water level. 6' beyond 30' from OHWM
EII Location vs Depth	30' waterward of OHWM or at least 9' of water depth	EII is 40' waterward of OHWM and at least 9' of water depth
Mooring Piles	2 per lot	None Proposed
Decking	Grated	Open Grating Proposed

ii. General Requirements Applicable to all Residential Docks

- a. **Dock Materials.** Environmentally neutral materials approved by the Environmental Protection Agency for use in aquatic environments shall be used. No materials treated with known toxic preservatives is allowed. Dock materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA) or comparably toxic compounds. Preservative and

surface treatments are limited to products approved for use in aquatic environments and must be applied according to label directions. Construction hardware that comes into contact with water either directly, or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion.

- b. Dock Lighting.** Dock lighting for the purpose of illuminating the dock surface for safety is allowed when the illuminating fixtures are limited to the minimum height necessary above the dock surface, or screened to provide the intended function of walkway illumination, without allowing light emissions to spill outside of the dock surface.

Finding: The proposal is required by code to comply with dock material requirements and all piles are proposed to be steel. No lighting is proposed. The submitted project description and code narrative states the requirements for dock materials and lighting will be met.

IV. Public Notice and Comment

Application Date:	April 11, 2019
Public Notice Date:	May 9, 2019
30-Day Comment Period End:	June 10, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on May 9th, 2019. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the

project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed dock construction. Existing wood piles are proposed to be removed and replaced with 10 epoxy coated standard wall steel casing piles. The proposal is subject to applicable sediment control requirements as required by clearing and grading review.

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. Provided that it meets City standards, the removal and installation of piles and reconfiguration of the pier is allowed. The entire dock is proposed to be fully grated which will allow for increased light penetration. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval in Section X of this report**

C. Plants

No vegetation will be disturbed.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels.

VII. Changes to Proposal Due to Staff Review

No changes were proposed.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

- 1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;**

Finding: As evaluated the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The proposed dock reconfiguration does not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

Finding: The proposed dock is consistent with this goal to allow residential use of the shoreline.

6. The proposal complies with applicable requirements of the Bellevue City Code.

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the replacement of a 144 square- foot non-conforming pier with a 288 square- foot conforming pier and relocation of an existing freestanding boatlift and freestanding PWC lift next to new pier. . **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to

commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	Jason Felgar, 425-452-7851
Land Use Code- BCC Title 20	Veronica Guenther, 425-452-2044
Noise Control- BCC 9.18	Veronica Guenther, 425-452-2044

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25E.160

Reviewer: Veronica Guenther, Development Services Department

- 2. Federal and State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work.

Authority: Land Use Code 20.25E.065

Reviewer: Veronica Guenther, Development Services Department

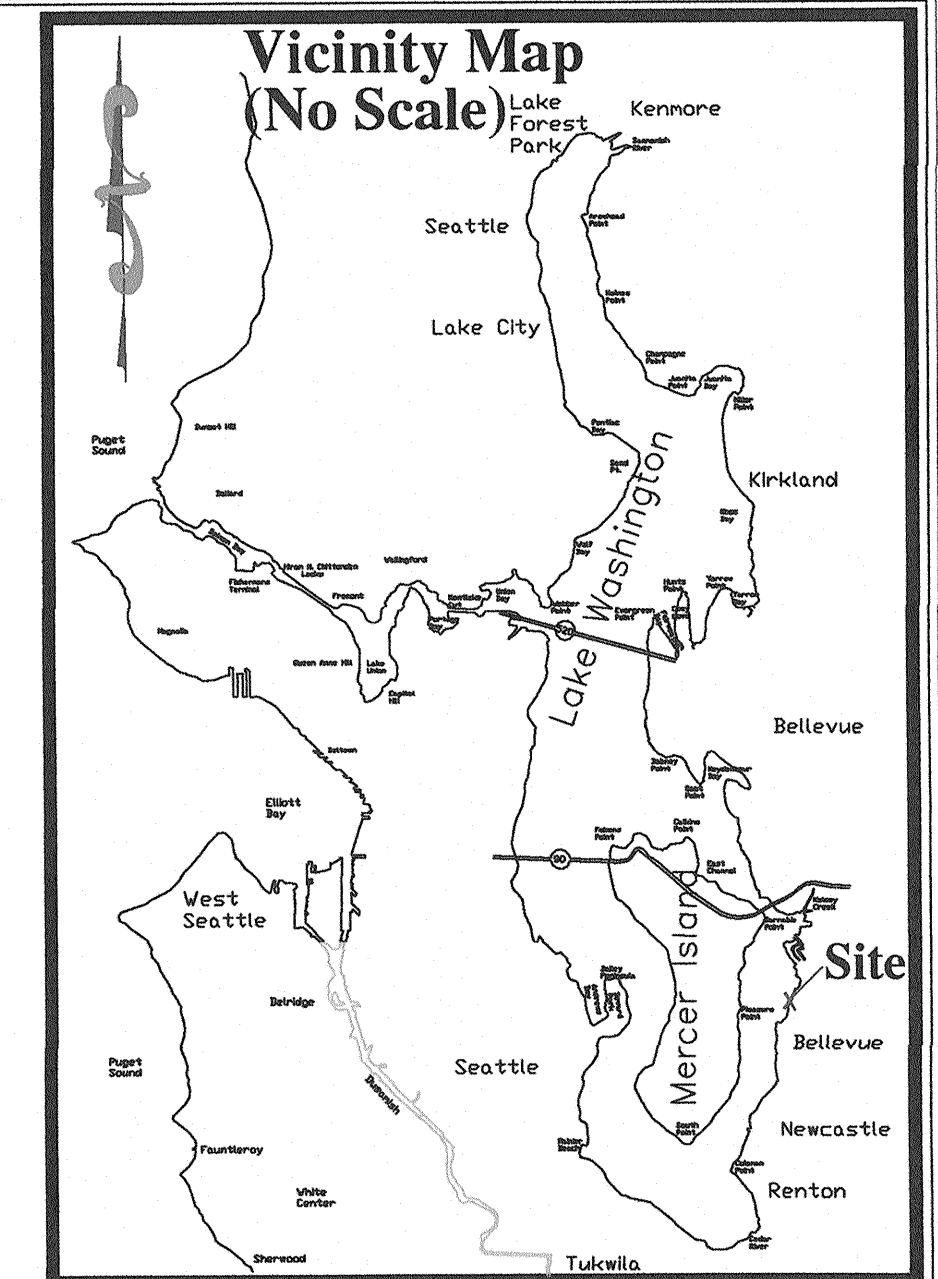
- 3. In-Water Work Window:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington.

Authority: Land Use Code 20.25E.160

Reviewer: Veronica Guenther, Development Services Department

DRAWING BY: **Gregory W. Ashley**

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<p>PROJECT DESCRIPTION: Remove existing non-conforming pier and support piles. Install ten (10) 8" epoxy coated support piles. Build a 288 SF conforming pier. Relocate boatlift and double mini PWC lift.</p> <p>DATE: 4/1/2019</p>
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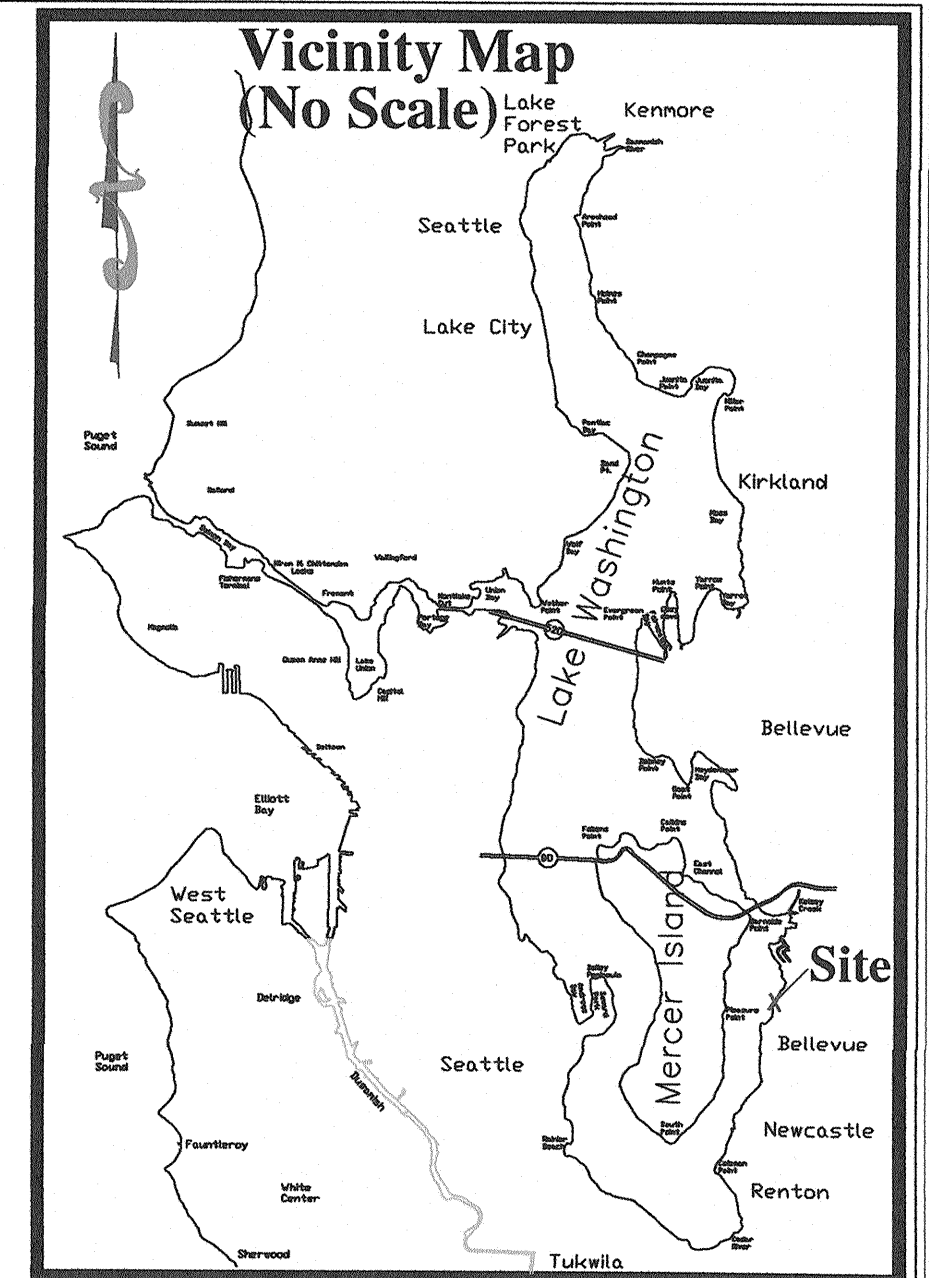
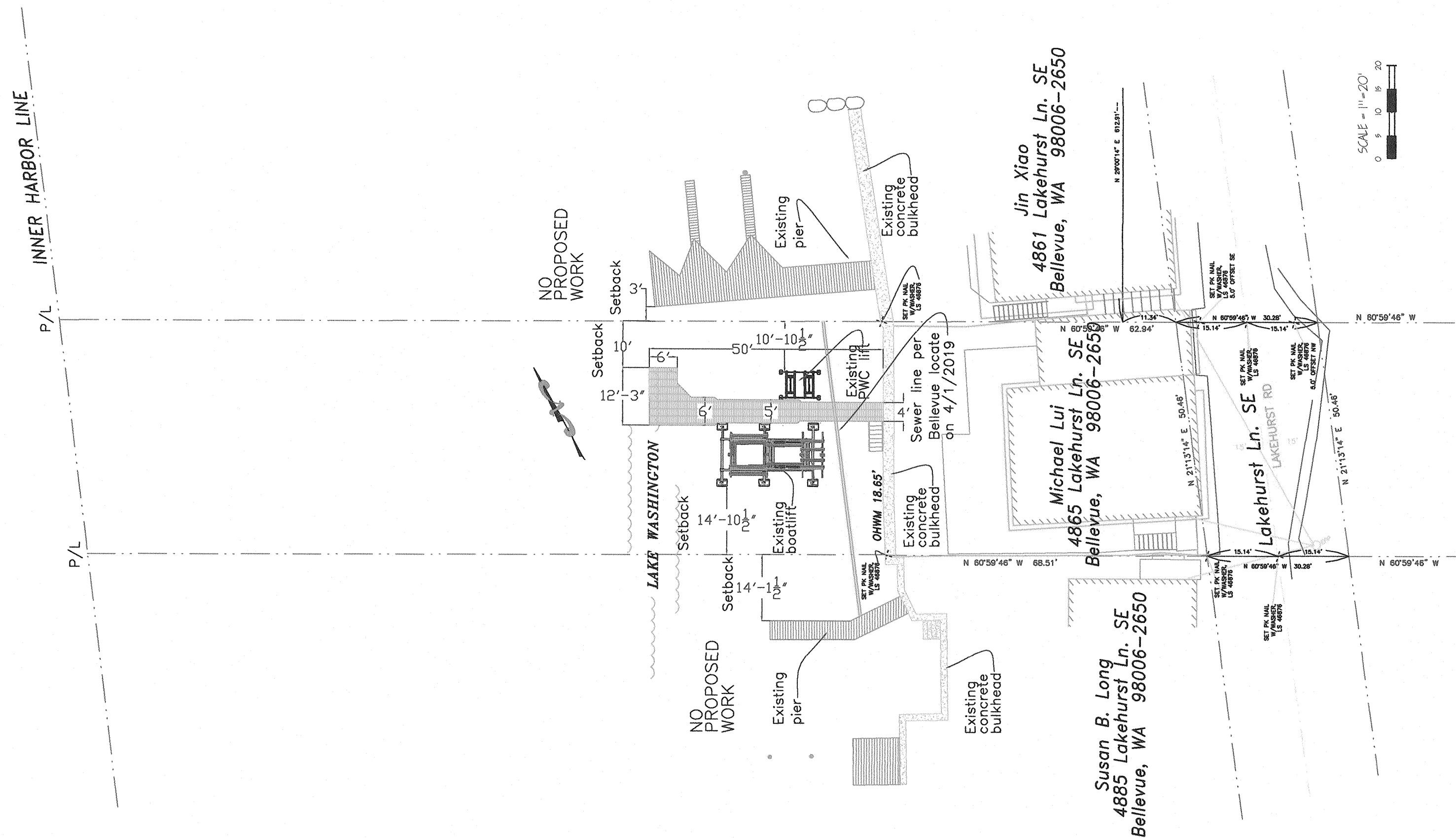
Ashley Shoreline Design & Permitting

**16412 NE 10th Place
Bellevue, Washington 98008-3707
Phone: (425) 957-9381
Fax: (425) 746-8252
greg@shoreline-permitting.com**

DRAWING BY: Gregory W. Ashley

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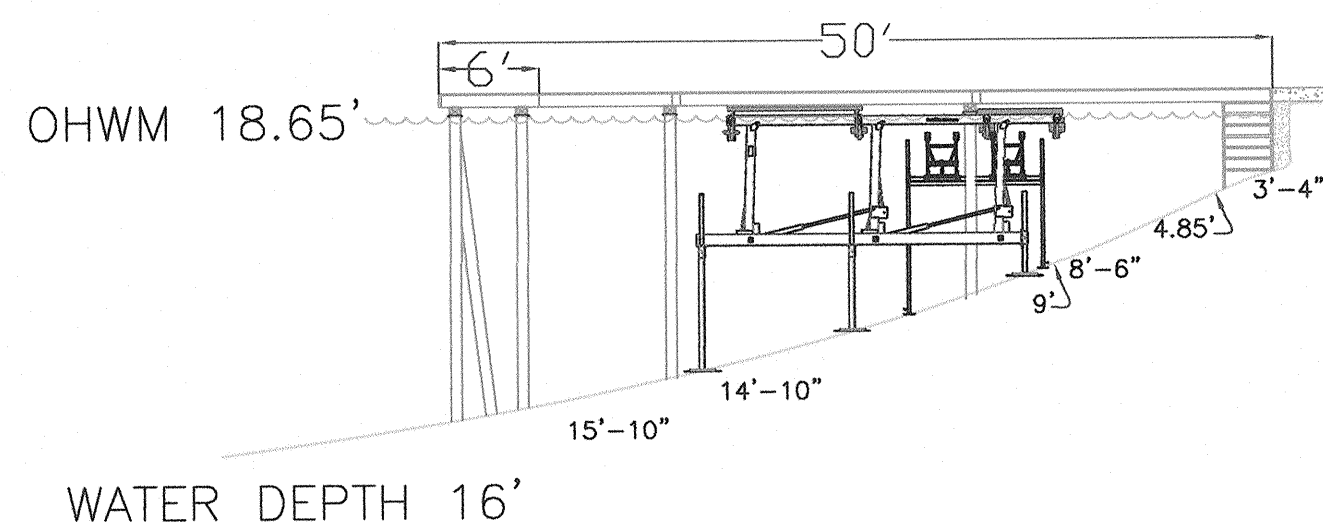
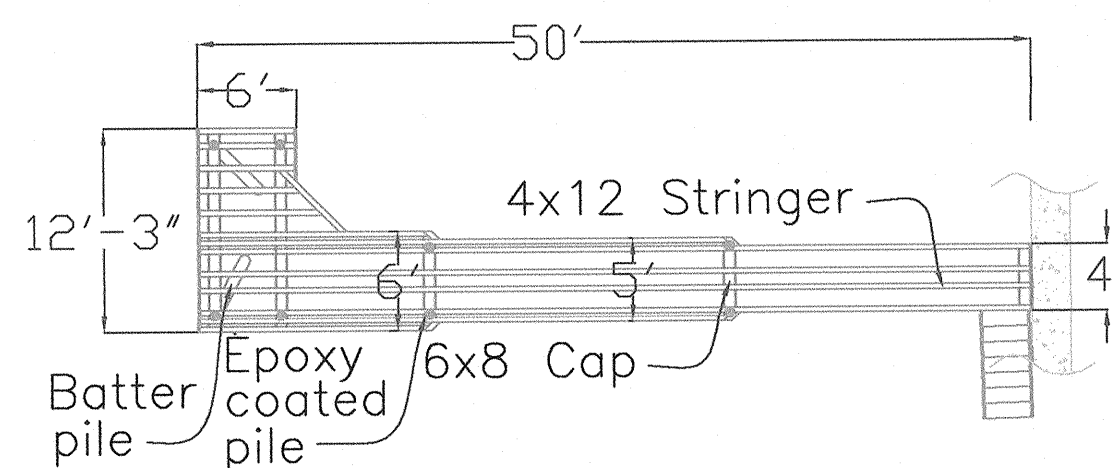
Received
APR 11 2013
Permit Processing

SHORELINE PROJECT FOR :	Michael Lui 4865 Lakehurst Ln. SE Bellevue, WA 98006-2650
PAGE: 2 of 3	

LOCATION: Lake Washington	DATUM: NA
LAT: 47° 33' 32" North	
LONG: -122° 11'30" West	
LENGTH FROM OHWM: 36' to 50'	SQ. FT. : 144 to 288

DATUM: NAVD 88

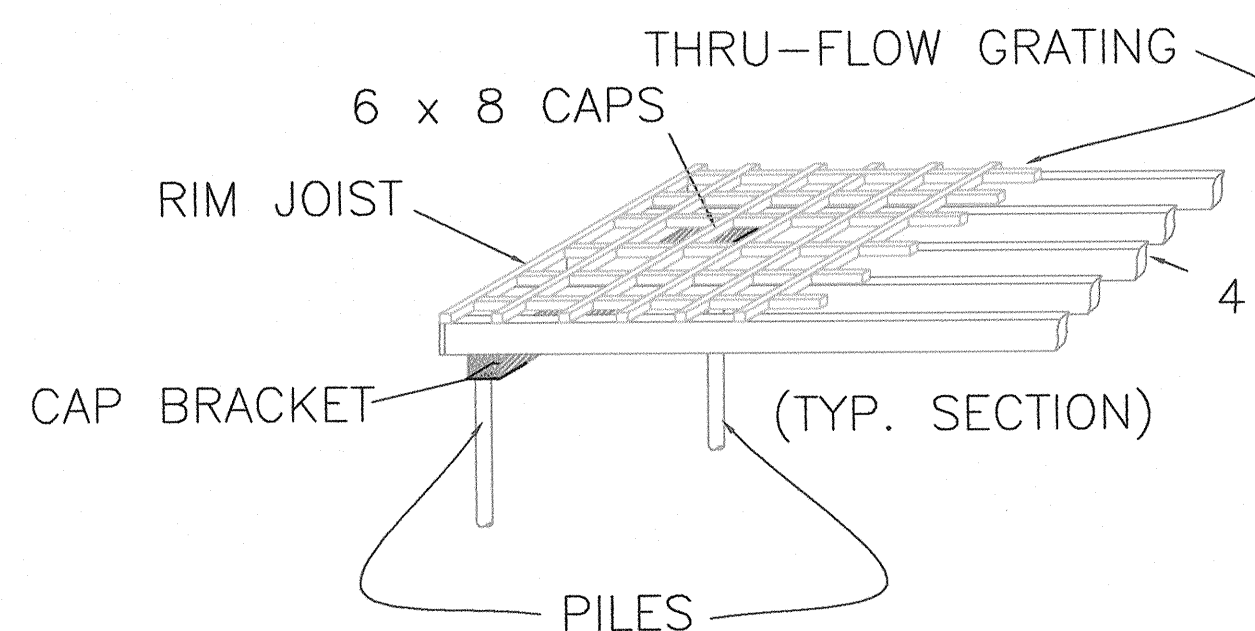
PROJECT DESCRIPTION:	Remove existing non-conforming pier and support piles. Install ten (10) 8" epoxy coated support piles. Build a 288 SF conforming pier. Relocate boatlift and double mini PWC lift.
DATE: 4/1/2019	



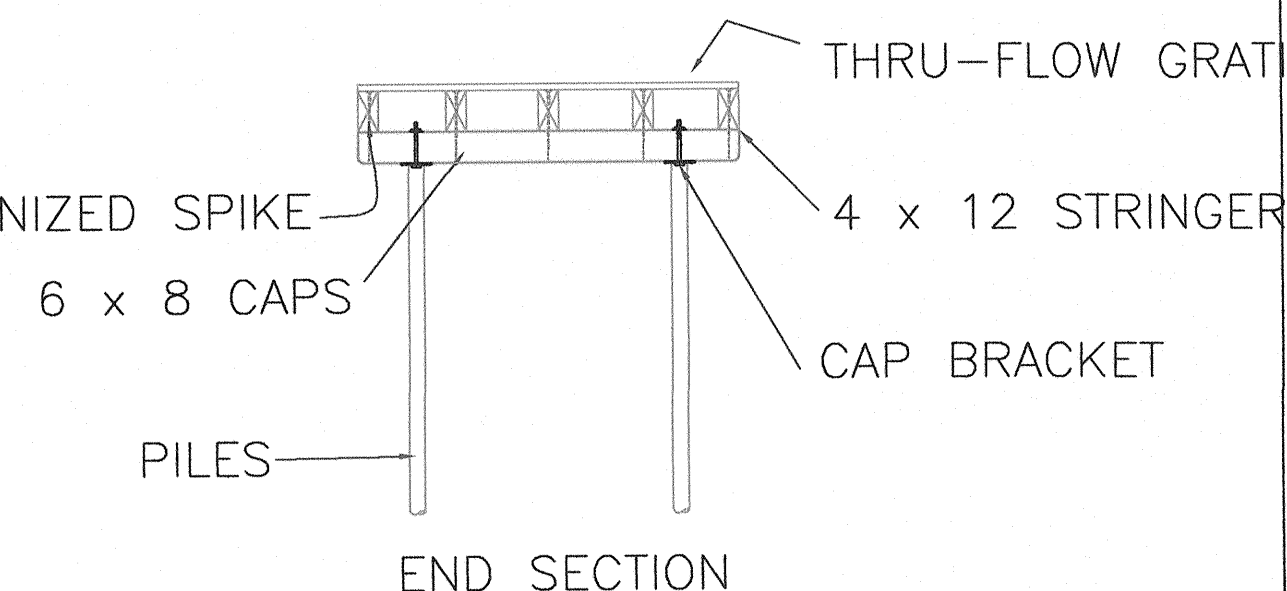
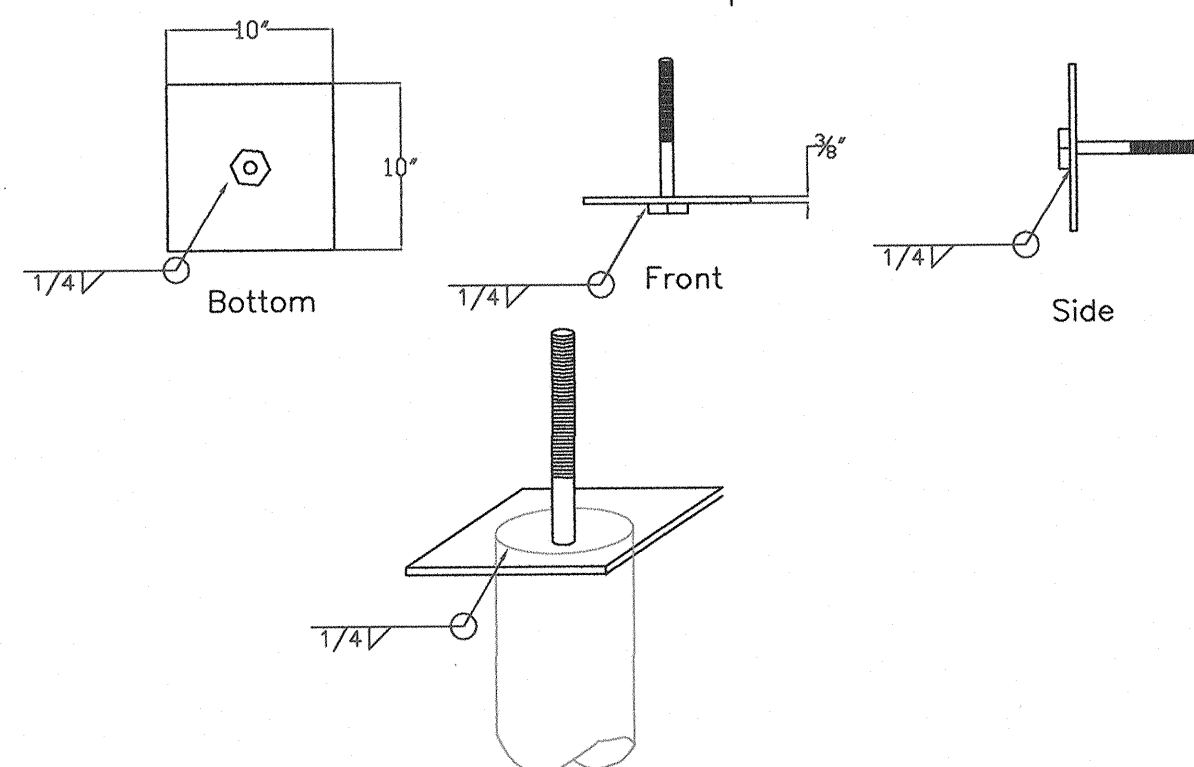
1. PILINGS TO BE MAXIMUM 18' O.C.
2. PILINGS TO BE 8" DIA. TYPICAL
3. PILINGS DRIVEN TO REFUSAL
4. CAPS ATTACHED TO PILINGS WITH GALV. CAP BRACKETS & 1/2" X 14" GALV. CARRIAGE BOLTS
5. STRINGERS TO BE MAXIMUM 16" O.C.
6. DECKING ATTACHED TO STRINGERS WITH S.S. SCREWS

NOTES:

ALL PILINGS TO BE EPOXY COATED STANDARD WALL STEEL CASING
ALL PILINGS INSET 1' FROM DOCK EDGE
ALL HARDWARE TO BE HOT DIPPED GALVANIZED
CAP MATERIAL TO BE DOUGLAS FIR #2 OR BETTER -- ACZA TREATED TO .60 OR REFUSAL
STRINGER MATERIAL TO BE DOUGLAS FIR #1 -- ACZA TREATED TO .40 OR REFUSAL
ALL CUT AND EXPOSED EDGES OF TREATED MEMBERS TO BE HAND TREATED WITH WOOD PRESERVATIVE
DECKING MEETS REQUIRED 60 PSF LIVE LOAD PER IRC R301.5
DECKING TO BE THRU-FLOW GRATING



10" x 10" x 3/8" Galvanized steel plate
welded to top of 8" diameter pile
3/4" Galvanized bolt welded through
center of 10" x 10" plate



Received
APR 11 2013
Permit Processing